

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

August 19, 2002

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 19, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupter Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph k. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Seymore G. Cole, Pastor, Melrose Avenue Seventh Day Adventist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS: Mr. Bestpitch offered the following resolution memorializing the late James Edward Taliaferro, Sr., former Mayor of the City of Salem, who passed away on August 3, 2002:

(#36018-081902) A RESOLUTION memorializing the late James Edward Taliaferro, Sr., a former Mayor of the City of Salem.

(For full text of Resolution, see Resolution Book No. 65, page 321.)

Mr. Bestpitch moved the adoption of Resolution No. 36018-081902. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

DECEASED PERSONS: Mr. Carder offered the following resolution memorializing the late Alfred N. "Hoot" Gibson, former City Auditor and Director of Finance for the City of Roanoke, who passed away on August 1, 2002:

(#36019-081902) A RESOLUTION memorializing the late Alfred N. "Hoot" Gibson, a native of Roanoke and former City Auditor and Director of Finance for the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 322.)

Mr. Carder moved the adoption of Resolution No. 36019-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

PROCLAMATIONS: The Mayor presented a proclamation declaring Friday , August 30, 2002, as Hokie Pride Day.

VA AMATEUR SPORTS/COMMONWEALTH GAMES-SPORTS ACTIVITIES: Peter Lampman, President, Virginia Amateur Sports, Inc., expressed appreciation to the City of Roanoke for its support of the Commonwealth Games of Virginia. He presented information on the economic impact that the 2002 Commonwealth Games had on the Roanoke Valley, including information on the growth of the Commonwealth Games and demographics of where athletes traveled from in order to participate. He stated that figures over the past years have shown an increase in the number of athletes coming from outside the Roanoke Valley, and approximately 110,000 athletes have competed in the Commonwealth Games of Virginia over the past 13 years.

He advised that on site expenditures, which include hotel/lodging, eating and drinking places, automobile/gasoline, retail, transportation services, amusement and recreation services, entry fees, gate receipts, concessions and merchandise sales at the event total \$1,537,226.00; and off site expenditures total \$7,813,463.00, for a total impact of the 2002 Commonwealth Games of \$7,200,030.00.

In appreciation of the support of the City of Roanoke, Mr. Lampman presented the Mayor with a plaque of appreciation and provided each Member of Council with a 2002 Commonwealth Games tee-shirt.

Without objection by Council, the Mayor advised that the remarks of Mr. Lampman would be received and filed.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meetings of City Council held on Monday, July 1, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-AUDIT COMMITTEE: Minutes of the Audit Committee meeting held on Monday, August 5, 2002, were before the body.

The following items were considered by the Audit Committee:

Parks and Recreation Part-Time Payroll

Engagement Letter - Roanoke City Public Schools

School Board May 14, 2002 Audit Committee Minutes

Roanoke City Council Audit Committee Annual Report - June 30, 2002

Municipal Auditing Annual Report - June 30, 2002

Municipal Auditing Annual Audit Plan - June 30, 2003

Discussion on format to receive Audit Committee package - CD/paper

**Discussion on format to receive information from Municipal Auditor -
fax/e-mail**

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the minutes be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt,
and Mayor Smith-----7.**

NAYS: None-----0.

ANNUAL REPORTS-COMMITTEES-AUDIT COMMITTEE: An annual report of the Audit Committee for the period ended June 30, 2002, was before the body. It was advised that during the year ended June 30, 2002, the Committee held five regular meetings; and the following is a summary of the Committee's activity during the year:

Reviewed and concurred in the annual plan presented by KPMG, the City's external auditors.

Reviewed and concurred in the Municipal Auditor's annual audit plan.

Reviewed the independent accountant's report with representatives from KPMG and City officials.

Reviewed the internal audit reports with the Municipal Auditor and City officials.

Reviewed and concurred in the School Board on an Engagement Letter and an annual plan for the Municipal Auditor to perform internal audits for Roanoke City Public Schools.

Reviewed an external quality control review prepared by the Virginia Local Government Auditors Association peer review team.

Furnished a copy of the minutes of each committee meeting to City Council and City officials.

(For full text, see report on file in the City Clerk's Office)

Mr. Carder moved that the Annual Report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ANNUAL REPORTS- MUNICIPAL AUDITOR: An Annual Report of the Municipal Auditor for the period ended June 30, 2002, was before Council.

Mr. Carder moved that the Annual Report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

(For full text, see report on file in the City Clerk's Office.)

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-ZONING-COMMITTEES: A report of qualification of Diana B. Sheppard as a member of the Board of Zoning Appeals, for a term ending December 31, 2005, was before Council.

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

SCHOOLS: The Mayor advised that there is a vacancy on the Roanoke City School Board created by the resignation of Sherman P. Lea, resigned , for a term ending June 30, 2003, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the names of Edna Crabbere, David Dabay, F. B. Webster Day, John W. Elliott, Jr., and William H. Lindsay.

There being no further nominations, F. B. Webster Day was elected as a Trustee of the Roanoke City School Board, to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003, by the following vote:

FOR MR. DAY: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, and Mayor Smith-----6.

FOR MR. LINDSEY: Council Member Wyatt-----1.

PUBLIC HEARINGS: None

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY: Betty Jo Anthony, Assistant Commonwealth's Attorney, presented information with regard to the Cost Collection Unit for Fiscal year 2001-2002, Four-Year Comparison of Cost Collection Effort, Chart: Four-Year Comparison of Cost Collection Results for Roanoke City, Four-Year Comparison of General District Court Delinquent Collections, Chart: General District Court Four-Year Comparison, Four-Year Comparison of Circuit Court Delinquent Collections, Chart: Circuit Court Four-Year Comparison, Four-Year Comparison of Juvenile and Domestic Relations District Court Delinquent Collections, and Chart: Juvenile and Domestic Relations District Court Four-Year Comparison.

(For full text, see report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the report would be received and filed.

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS-VICTIM/WITNESS/JUROR PROGRAM: A communication from Donald M. Caldwell, Commonwealth's Attorney, in connection with a Victim/Witness Assistance Grant, was before Council.

It was advised that the Victim/Witness Assistance Program has been awarded a 12 month, \$102,338.00 grant (#03-l8554VW02) for July 2002 through June 2003, from the Department of Criminal Justice Services (DCJS) which will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses, in accordance with the Virginia Crime Victim and Witness Rights Act; and the Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, as well as one full time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court.

It was further advised that the Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney; cost to the City for Grant #03-l8554VW02 would be \$25,671.00 as a local cash match, for a total grant budget of \$128,009.00; the local cash match is equal to that of fiscal year 2001-2002; and is included in the General Fund fiscal year 2002-2003 adopted budget in the Transfer to Grant Fund Account.

The Commonwealth's Attorney recommended that Council accept Victim/Witness Grant No. 03-l8554VW02 for \$102,338.00, with the City of Roanoke providing \$25,671.00 as a local cash match from funds provided in the Transfer to Grant Fund Account in the fiscal year 2002-03 budget, for a total grant of \$128,009.00; and authorize the City Manager to execute all appropriate documents to obtain Grant No. 03-l8554VW02, with budget funding, in the amount of \$128,009.00 in revenue accounts to be established in the Grant Fund by the Director of Finance; and appropriate \$128,009.00 to certain expenditure accounts as set forth in Attachment B to the communication.

A communication from the City Manager concurring in the recommendation of the Commonwealth's Attorney, was also before Council.

Mr. Carder offered the following budget ordinance:

(#36020-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 324.)

Mr. Carder moved the adoption of Ordinance No. 36020-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#36021-081902) A RESOLUTION authorizing the acceptance of Grant No. 03-18554VW02 made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 65, page 325.)

Mr. Carder moved the adoption of Resolution No. 36021-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

DRUGS/SUBSTANCE ABUSE-BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: A communication from the Honorable Donald M. Caldwell, Commonwealth's Attorney, in connection with a Drug Prosecutor grant, was before Council.

The Commonwealth's Attorney advised that Federal funding was made available to the Commonwealth of Virginia to be used for the development of several Multi-Jurisdictional Special Drug Prosecutors statewide, which positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance the recovery of criminal assets, utilize Federal, State and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort; the Commonwealth's Attorneys of Craig County, Franklin County, Roanoke County, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for administration of the grant money to fund a Multi-Jurisdictional Special Drug Prosecutor; and Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988.

It was further advised that on April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board; the Compensation Board approved funding for the Drug Prosecutor, in the amount of \$91,615.00 on April 30, 2002, which funding will continue through June 30, 2003; local share cost is \$21,941.00, for a total of \$113,556.00, and is budgeted in two separate accounts: Transfer to Grant Funds (001-250-9310-9535 - \$12,560.00) and Contingency (001-300-9410-2199 - \$9,381.00); and annual re-application for funding is required.

The Commonwealth's Attorney recommended acceptance of funding from the Compensation Board, in the amount of \$91,615.00, with the City of Roanoke providing local share funding of \$21,941.00; that Council authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board; and that the Director of Finance be authorized to establish revenue estimates in the amount of \$113,556.00 in the Grant Fund and appropriate funding to certain expenditure accounts, as more fully described in Attachment 1 to the communication report.

A communication from the City Manager recommending that Council concur in the recommendation of the Commonwealth's Attorney was also before the body.

Mr. Carder offered the following budget ordinance:

(#36022-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 326.)

Mr. Carder moved the adoption of Ordinance No. 36022-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36023-081902) A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

(For full text of Resolution, see Resolution Book No. 65, page 328.)

Mr. Dowe moved the adoption of Resolution No. 36023-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-COMMONWEALTH'S ATTORNEY-POLICE DEPARTMENT: A communication from the Commonwealth's Attorney in connection with Asset Forfeiture was before Council.

The Commonwealth's Attoreny advised that in an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal Government adopted a system of asset forfeiture whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors, for use in their fight against crime; in July, 1991, the Virginia asset

forfeiture statute, which generally is patterned after the Federal statute, took effect, providing that forfeited criminal assets may be returned to local police and prosecutors for use in the fight against crime; periodically, assets seized as evidence are ordered forfeited by local courts to the police or the Office of the Commonwealth's Attorney to be used for criminal law enforcement efforts; and in August, 1991, a grant fund account for cash assets forfeited to the Office of the Commonwealth's Attorney was established with an appropriation of \$25,000.00.

It was further advised that since August, 1991, the Office of the Commonwealth's Attorney has expended the \$25,000.00 originally appropriated, and periodically receives additional funds from the State's asset sharing program; grant requirements include that funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; revenues collected through June 30, 2002, for the grant total \$146,911.78, with interest collected through June 30, 2002, at \$14,721.09; funding received in excess of the revenue estimate totaling \$22,480.42 needs to be appropriated; and funds must be appropriated before they can be expended for law enforcement.

The Commonwealth's Attorney recommended that the Director of Finance be authorized to increase the revenue estimate, in the amount of \$20,236.00, plus \$2,245.00 interest, and appropriate funds to accounts listed on Attachment 1 to the communication.

A communication from the City Manager recommending that Council concur in the recommendation of the Commonwealth's Attorney, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36024-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 329.)

Mr. Dowe moved the adoption of Ordinance No. 36024-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BONDS/BONDS ISSUES-ANIMALS/INSECTS: A communication from F. B. Webster Day, Attorney, representing the Industrial Development Authority of Botetourt County, requesting adoption of a measure approving issuance of bonds by the Industrial Development Authority of Botetourt County, Virginia, for the benefit of the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., and Animal Care Services, Inc., for issuance of up to \$3,600,000.00 of Industrial Development Authority revenue bonds to assist in financing, acquisition, construction and equipping of the Regional Pound Facility, which will be located within the City of Roanoke, was before Council.

Mr. Cutler offered the following resolution:

(#36025-081902) A RESOLUTION approving the issuance of bonds by the Industrial Development Authority of Botetourt County, Virginia, for the benefit of Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., and Animal Care Services, Inc.

(For full text of Resolution, see Resolution Book No. 65, page 331.)

Mr. Cutler moved the adoption of Resolution No. 36025-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REPORT OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

LIBRARIES: The City Manager introduced Demetria Tucker, Library Services Coordinator, for a briefing on the PC Navigator Program.

Ms. Tucker introduced seven of the 16 young people who participated in the Library PC Navigator Student Computer Assisted Program. She advised that the program was created to empower teens, ages 12 - 17, with computer and library research skills, as well as to provide an opportunity for actual work experience, to give back to the community, and to receive a stipend of \$25.00. She stated that funds provided for the pilot program included a \$5,000.00 Library Services and Technology Grant from the Virginia State Library and Archives and additional funding from the City's Office on Youth for participation by four additional students. She noted that students received customer service training, as well as training with computer software, library on line data bases, Gates Educational Software, and Internet researching technologies.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that City staff recommends the use of a firm that specializes in providing project administration/inspection/management services (services) to monitor, inspect, and administer on a daily basis the on-going construction project for Phase I, and future Phase II, of the Roanoke Civic Center Expansion and Renovation Project; construction contract for Phase I is with Martin Brothers, Inc., in the amount of \$2,349,600.00; Rosser International, Inc., is the architect and engineer on the Project; Rosser is also the architect and engineer for the Phase II Project, but no construction contract has been issued since Phase II is currently in the design phase; and City staff recommends that the use of a firm to provide the above project services, and possibly some value engineering and/or constructability review may be necessary due to the complicated nature of the Project.

It was further advised that following interviews by the selection committee, the firm of KCI Technologies, Inc., was deemed the best qualified to provide the above referenced services; City staff has negotiated an acceptable agreement with KCI Technologies, Inc., to provide for Phase I services(now under construction), in an amount not to exceed \$130,900.00; the agreement also provides that KCI will provide

such services for Phase II when the project is ready to be bid and during construction and possibly during the design phase; and cost of providing services for Phase II is in an amount not to exceed \$395,000.00, but since funding is currently limited, KCI has agreed to perform services on Phase II as specifically requested by the City and only as funds become available for such services.

It was explained that funding for Phase I services under the agreement is available in Civic Center Expansion/ Renovation Phase I, Account No. 005-550-8615; and funding for Phase II services will be provided at a later date.

The City Manager recommended that she be authorized to execute a contract for the above referenced consultant services with KCI Technologies, Inc., in an amount not to exceed \$130,900.00, for Phase I and an amount not to exceed \$395,000.00, for Phase II, provided that services for Phase II are specifically subject to the availability and appropriation by Council of funds for such services.

Mr. Dowe offered the following resolution:

(#36026-081902) A RESOLUTION authorizing a contract with KCI Technologies, Inc., to provide project administration/inspection/management services to monitor, inspect and administer on a daily basis the on-going construction project for Phase I, and future Phase II, of the Roanoke Civic Center Expansion and Renovation Project, and which may also include some value engineering and/or constructability review services.

(For full text of Resolution, see Resolution Book No. 65, page 333.)

Mr. Dowe moved the adoption of Resolution No. 36026-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

AIRPORT-APPALACHIAN POWER COMPANY-BUDGET-SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that the Airport Road Storm Drain Extension project represents the second and final phase of storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard, which project was broken down

to two phases to allow construction to start on the portions within City right-of-way (Phase 1), while property acquisition was completed for the second phase; and the proposed storm drain project supports the continuing economic development of the area and is part of the capital improvement project known as Innotech Expansion, which will provide a regional storm water management facility for undeveloped properties, as well as improved drainage for an area with chronic flooding problems.

It was further advised that four bids were received on Tuesday, August 6, 2002, with Aaron J. Conner, General Contractor, Inc., submitting the low bid in the amount of \$186,860.00 and construction time at 120 consecutive calendar days; funding in the amount of \$215,000.00 is needed for the project, with additional funds that exceed the contract amount to be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities, utility adjustment by Appalachian Power Company d/b/a American Electric Power, Cox Communications, and unforeseen project expenses; and funding in the amount of \$215,000.00 is available from Capital Projects Fund interest earnings.

The City Manager recommended that she be authorized to execute a contract with Aaron J. Conner, General Contractor, Inc., in the amount of \$186,860.00, with 120 consecutive calendar days of contract time; that all other bids received by the City be rejected; and that Council appropriate \$215,000.00 from Capital Projects Fund balance available from Interest Earnings to an account to be established by the Director of Finance entitled, "Airport Road Storm Drain Extension".

Mr. Carder offered the following budget ordinance:

(#36027-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 334.)

Mr. Carder moved the adoption of Ordinance No. 36027-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following ordinance:

(#36028-081902) AN ORDINANCE accepting the bid of Aaron J. Conner, General Contractor, Inc., for storm drain improvements near the intersections of Airport Road and Municipal Road, as well as Airport Road and Towne Square Boulevard, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 335.)

Mr. Carder moved the adoption of Ordinance No. 36028-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-TELEPHONE COMPANIES-TELEPHONE EQUIPMENT-SCHOOLS: The City Manager submitted a communication advising that in 2001, bids were received from vendors for telephone system solutions to replace the current centrex service which is currently used within City offices; due to considerable technological advances, the original specifications of the bid were considered obsolete; additionally, procurement procedures were not followed after bid opening; and Council rejected all bids and authorized the use of competitive negotiation as the method to secure vendors to provide the City's new telephone system through a RFP process.

It was further advised that eight bids were received on May 7, 2002, and reviewed by a team of eight City employees which unanimously agreed that Verizon offered the best solution for the City's telephone system requirements; Verizon would also provide invaluable project management support for conversion of the current Centrex System and implementation of the new system scheduled for October, 2002; and certain benefits to be gained by the proposed telephone system are:

Cost saving of \$123,000.00 the first year and \$36,000.00 in each of the following years.

Most important is the standardization of services and instruments as a result of the many different types of systems currently used throughout the City.

Capability to provide centralized voice mail for everyone on the new PBX system.

More detailed call accounting information for use by management.

City control and management of moves/adds/changes in requests for service.

Better management and cost control of long distance calls.

The City Manager recommended that she be authorized to enter into a contract with Verizon Select Services, Inc., to be approved as to form by the City Attorney, in the amount of \$1,258,004.00; funding for the project is available as follows: \$880,291.00 is available from Department of Technology Fund Account No. 013-052-9603; \$47,754.00 may be appropriated from Civic Center Retained Earnings Account, \$41,146.00 from the Water Fund Retained Earnings Account, \$27,248.00 from the Sewer Fund Retained Earnings Account, \$37,982.00 from the Health Department, and \$223,583.00 from the Department of Technology Retained Earnings Account to Telephone Project Account No. 013-430-9847.

Mr. Cutler offered the following budget ordinance:

(#36029-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General, Water, Water Pollution Control, Civic Center, and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 337.)

Mr. Cutler moved the adoption of Ordinance No. 36029 -081902. The motion was seconded by Mr. Dowe.

Ms. Wyatt inquired as to whether the proposed new telephone system will also incorporate telephones in the City's school system; whereupon, the City Manager advised that the school system was not included at the request of school officials, although the option is available in the future should they wish to become a part of the new system. She called attention to numerous features to the proposed telephone system upgrade; i.e. improved ability to access lines leading to better use of trunk lines throughout the system, first year savings of approximately \$125,000.00 and \$38,000.00 per year thereafter, every main telephone number in every City department will be answered by a human being, unless the lines are busy or the call is received after business hours, and all telephone numbers will remain the same.

Mr. Bestpitch called attention to operational savings during the first year of \$125,000.00 and annual savings thereafter of approximately \$38,000.00, and although the option to participate is a School Board decision, he inquired if it is anticipated that the School Board will select this more cost effective telephone system at some point in the not too distant future.

The City Manager responded that the needs of the School system are different from the needs of the City as a local government, because the schools have numerous decentralized locations. She stated that the school system's decision not to participate at this time could be attributed to the need to complete an assessment of telephone usage in the future, and she would provide the Superintendent of Schools with information on the level of savings to be incurred by the City as a result of the new telephone system, but she noted that savings will be less in the school environment.

Mr. Bestpitch suggested that the topic of telephone cost savings be discussed at the joint meeting of City Council and the Roanoke City School Board to be held on Monday, September 16, 2002, at 5:00 p.m.

Ordinance No. 36029-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following ordinance:

(#36030-081902) AN ORDINANCE accepting the bid of Verizon Select Services, Inc., to provide telephone system solutions, to replace the current centrex service, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 340.)

Mr. Harris moved the adoption of Ordinance No. 36030-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET- FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) participates in the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for two primary client populations:

- dislocated workers who have been laid off from employment through no fault of their own, and**
- economically disadvantaged individuals as determined by household income guidelines set up by the U. S. Department of Labor.**

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus, Council must appropriate funding for all grants and other monies received by the FDETC.

It was explained that the FDETC has received an award of \$25,000.00 from the Virginia Department of Social Services to provide services to clients under the Economic and Employment Improvement Program for Disadvantaged Persons (EEIP), for the period July 1, 2002 through June 30, 2003; and the FDETC has received funds from jurisdictions in the Fifth Planning District to offset administrative costs; and to date, allocations totaling \$4,961.00 have been received (Botetourt County - \$1,627.00; City of Salem - \$1,278.00; City of Covington - \$2,056.00).

The City Manager recommended that Council appropriate FDETC funding totaling \$29,961.00 and increase the revenue estimate by \$29,961.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Carder offered the following budget ordinance:

(#36031-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fifth District Employment and Training Consortium Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 341.)

Mr. Carder moved the adoption of Ordinance No. 36031-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

TELEPHONE COMPANIES-TELEPHONE EQUIPMENT-POLICE DEPARTMENT:
The City Manager submitted a communication advising that following the terrorist attacks of September 11, 2001, and initiation of the Police Department’s “Homeland Defense Initiative”, U. S. Cellular approached the Police Department with an offer to help; the Homeland Emergency Loaner Phone (HELP) program would allow the Police Department to use six activated cell phones during times of crisis or disaster, which full-access phones would be deployed only when a situation required additional communications capability; the Community Action Life Line (CALL) program would provide 18 cell phones with paging capability for use by the Police Department’s Tactical Response Team; many Tactical Response Team members and hostage negotiators are not equipped with pagers to allow prompt notification or call-out; CALL phones allow calls only to specific Police Department phone numbers; and U. S. Cellular will provide the phones and service at no cost to the City of Roanoke.

The City Manager recommended that she be authorized to contract with U. S. Cellular for use of “HELP” and “CALL” program cell phones and service for a period of one year.

Mr. Carder offered the following resolution:

(#36032-081902) A RESOLUTION authorizing execution of an agreement between the City of Roanoke and U. S. Cellular, providing for use of cellular phones for the Homeland Emergency Loaner Phone (H.E.L.P.) and the Community Action Life Line (C.A.L.L.) programs.

(For full text of Resolution, see Resolution Book No. 65, page 343.)

Mr. Carder moved the adoption of Resolution No. 36032-081902. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in 1986, Congress authorized the transfer of certain Federally forfeited property to State and local law enforcement agencies that participated in investigation and seizure of the property; application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney; and this property, including funds shared with State and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

It was further advised that participation in Federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, overtime expenses, and offsets the costs that would otherwise have to be borne by City taxpayers; the Police Department receives funds periodically from the Federal Government's asset sharing program; grant requirements state that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; and revenues totaling \$44,677.00 have been collected and are available for appropriation in Grant Fund Account Nos. 035-640-3304-3305 and 035-640-3304-3306.

The City Manager recommended that Council appropriate \$44,677.00 to the Grant Fund account for Investigations & Rewards (035-640-3304-2150), and increase Grant Fund revenue estimates for Account No. 035-640-3304-3305 by \$44,119.00 and Account No. 035-640-3304-3306 by \$558.00.

Mr. Carder offered the following budget ordinance:

(#36033-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 344.)

Mr. Carder moved the adoption of Ordinance No. 36033-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that on February 4, 2002, the Carvins Cove Reservoir had dropped to a level below the spillway of 20.0 feet; and Council declared that a water supply emergency existed, that there was a need to restrict the use of water in the City of Roanoke and approved a Water Conservation Plan.

It was further advised that the Water Conservation Plan is designed to extend the useful life of the water supply until sufficient rainfall occurs to refill the reservoir; the Plan identified a level of 26.0 feet below spillway that the City would begin emergency water purchases; the reservoir reached 26.0 feet below spillway on June 18, 2002, and the City began purchasing water from the City of Salem and Roanoke County; daily purchase rate from the City of Salem is 1.5 million gallons per day (mgd) at a cost of \$1,450.00 per million gallons (mg) and 4.0 mgd from Roanoke County at a cost of \$2,970.00 per mg; it is anticipated that the City of Roanoke will purchase water over the next four months or until rainfall and additional water sources are available that can reduce or eliminate its need to purchase water; and in addition to the purchase of emergency water, other drought related costs are being incurred that require additional funding.

It was explained that the need exists to provide funding for unidentified infrastructure repair and replacement, and new services and water lines; funding levels for these accounts was reduced during the budget process and needs to be restored to levels that will sufficiently address emergencies and critical infrastructure improvements; and the new services, hydrants and water lines are reimbursed through fees and charges paid by customers.

The City Manager recommended that Council appropriate \$1,450,000.00 from the Water Fund retained earnings into Account No. 002-510-2160-2256, Purchase Water – Roanoke County, \$261,000.00 into Account No. 002-510-2160-2255, Purchase Water – Salem, \$130,000.00 into Account No. 002-510-2160-2257, Purchase Water – Vinton, to provide for emergency water purchases; \$10,000.00 into Account No. 002-510-2160-1004, Temporary Wages, to provide for additional personnel necessary to manage the drought plan, \$25,000.00 into Account No. 002-510-2160-2015, Advertising, to provide for public relations materials, etc., \$350,000.00 into Account No. 002-510-2178-9026, Water – Unidentified Plant Replacement, to fund repair and replacement, and \$200,000.00 into Account No. 002-510-2178-9025, Water – New Services, Hydrants, Lines, to fund installation of new service requests directly reimbursed through fees and charges.

Mr. Carder offered the following budget ordinance:

(#36034-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 345.)

Mr. Carder moved the adoption of Ordinance No. 36034-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-WATER RESOURCES: The City Manager submitted a communication advising that improvements are needed at the Regional Water Pollution Control Plant to control and treat high flows that occur during wet weather; a Preliminary Engineering Report (PER) has been developed to address improvements, which has been reviewed and approved by each partnering jurisdiction (Botetourt County, Roanoke County, Salem City, and the Town of Vinton), and submitted to the Virginia Departments of Environmental Quality and Health for their review; and engineering design services are now needed to prepare detailed plans, specifications, and bid documents necessary to complete the work which will include various modifications and improvements referred to in the PER, as well as other items necessary to satisfy regulatory requirements.

It was further advised that proposals were solicited and received from four engineering firms; all four firms were short-listed, however, one firm withdrew from consideration before interviews were conducted; and a selection committee selected Hazen and Sawyer, P.C. at a negotiated agreement in the form of a lump sum fee of \$3,100,000.00.

It was further advised that the contract specifies a primary hydraulic and biological design flow of 52 million gallons per day annual average daily flow, and design work for two additional elements, each of which would increase the hydraulic and biological design flow by three million gallons each, or six million gallons cumulatively; significant provisions of the contract include extensive liquidated damage provisions related to project schedule and project management (\$500.00 per day damages for missing completion dates for specific project phases and \$50,000.00 in damages if the Project Manager is replaced), a five percent fee retainage provision with the right to deduct monies owed to the City, increased insurance requirements to \$15,000,000.00 aggregate, and specific language requiring the engineer to continue design and work at no cost to the City until specific Project goals, such as capacity and performance are achieved; and the contract also contains a provision to allow for the engineer to earn up to a \$500.00 per day bonus (with a \$40,000.00 maximum limit) for completion of certain phases of work ahead of schedule so that the City of Roanoke will be able to comply with the schedule in the City's Consent Order with the State Water Control Board.

It was explained that the City's portion of funding for the contract is anticipated to be \$1,426,000.00, subject to further negotiations with partnering jurisdictions; the City's portion of funds is available in Retained Earnings in the Water Pollution Control Fund; Utility Staff and the Department of Finance have completed a State Revolving Loan Fund application to request reduced interest project funding from the State; the loan amount requested includes the current engineering costs which would allow for return of the City's share of engineering costs to Retained Earnings; and the balance of monies will be provided from contributions by partnering jurisdictions, according to a cost allocation formula, which is expected to be similar to that as set forth in the Multi-Jurisdictional Contract dated November 1994, pursuant to Resolution No. 32204-101094.

The City Manager recommended that she be authorized to execute a contract for engineering and consulting services with Hazen and Sawyer, P.C., in the amount of \$3,100,000.00 to provide design and consulting services, said contract to be in a form approved by the City Attorney; that Council amend the Water Pollution Control Fund fiscal year 2002/2003 budget and appropriate \$1,426,000.00 from Retained Earnings, to provide design and consulting services, and appropriate a total of \$1,674,000.00 from Other Local Governments to the same project account; establish

accounts receivable from partnering jurisdictions according to a cost allocation formula; and adopt a resolution declaring the City's intent to reimburse itself up to the \$3,100,000.00 from proceeds of any funds from the State Revolving Loan Fund, or from a future bond issue.

Mr. Carder offered the following budget ordinance:

(#36035-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 346.)

Mr. Carder moved the adoption of Ordinance No. 36035-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36036-081902) A RESOLUTION authorizing a contract with Hazen and Sawyer, P.C., for engineering and consulting services for the design and development of plans, specifications, and bid documents necessary to provide improvements to the City's Regional Water Pollution Control Plant to control and treat high flows that occur during wet weather and related work.

(For full text of Resolution, see Resolution Book No. 65, page 348.)

Mr. Dowe moved the adoption of Resolution No. 36036-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#36037-081902) A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its tax-exempt obligations for certain moneys to be appropriated by the City for the City's share of expenditures in connection with improvements to the Regional Water Pollution Control Plant; and providing for an effective date.

(For full text of Resolution, see Resolution Book No. 65, page 349.)

Mr. Carder moved the adoption of Resolution No. 36037-081902. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

TAXES-DELINQUENT TAXES: The City Attorney submitted a written report with regard to delinquent real estate taxes, advising that during the last session, the General Assembly amended §15.2-2286.B, Code of Virginia, as follows:

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes owned to the locality which have been properly assessed against the subject property have been paid.

The City Attorney transmitted a measure which would implement this provision in the City of Roanoke and ensure that real estate taxes are current on properties where the enumerated types of approvals and permits are being sought.

Mr. Dowe offered the following ordinance:

(#36038-081902) AN ORDINANCE adding a new Section 32-7, Delinquent Real Estate Taxes, to Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, requiring that real estate taxes be current before certain applications may be made to the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 350.)

Mr. Dowe moved the adoption of Ordinance No. 36038-081902. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

BUDGET-GRANTS-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate \$125,000.00 for the Title I Even Start Family Literacy Grant, which will provide parental and preschool workshops for family literacy efforts at the preschool and adult education levels, said grant to be 100 per cent reimbursed by Federal funds, was before the body.

A report of the Director of Finance recommending that Council concur in the request was also before the body.

Mr. Carder offered the following budget ordinance:

(#36039-081902) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 351.)

Mr. Carder moved the adoption of Ordinance No. 36039-081902. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

(Council Members Wyatt and Dowe requested that the City Manager discuss further training for participants of the program with the School Superintendent.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL: Mr. Cutler offered the following resolution:

(#36040-081902) A RESOLUTION canceling the work session of City Council scheduled to be held at 12:15 p.m., on September 30, 2002, and changing the date of the regular meeting of City Council scheduled to be held at 12:15 p.m. and 2:00 p.m., on Tuesday, October 1, 2002, to 12:15 p.m., and 2:00 p.m., on Thursday, October 3, 2002.

(For full text of Resolution, see Resolution Book No. 65, page 353.)

Mr. Cutler moved the adoption of Resolution No. 36040-081902. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

POLICE DEPARTMENT-TRAFFIC: Council Member Wyatt called attention to a telephone call from a business owner on Trinkle Avenue, N. E., commending the City of Roanoke on measures which have been implemented to address cruising on Williamson Road.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

HEALTH DEPARTMENT-HOUSING AUTHORITY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern with regard to mosquitos and the West Nile Virus that has been reported in a number of dead birds in the Roanoke area. She also expressed specific concern for residents of the Lincoln Terrace housing development who do not have screen doors on their housing units.

FIRE DEPARTMENT-CITY EMPLOYEES: Ms. Helen E. Davis, 35 Patton Avenue, N. E., requested that Council review the plan to close fire stations in the predominantly black community, which could have serious implications for those neighborhoods. She spoke in support of City employees who work diligently for the citizens of the City of Roanoke.

CITY MANAGER COMMENTS:

HEALTH DEPARTMENT: The City Manager advised that Dr. Molly L. O'Dell, Director, Health Department, has maintained contact with the City of Roanoke with regard to the West Nile Virus and certain preventative measures that may be taken by citizens to protect themselves.

BUDGET: The City Manager advised that the revenue shortfall at the State level is more than was originally projected, exceeding \$1.4 billion. She stated that further reductions at the State level will occur, some of which will have a ripple effect on localities.

WATER RESOURCES: The City Manager pointed out that the Governor's Office may intervene in the Commonwealth of Virginia's situation as it relates to drought conditions throughout the State.

ROANOKE CIVIC CENTER-TRAFFIC: The City Manager called attention to increased signage and shuttle buses that will be available on Tuesday, August 20, 2002, and Friday, September 6, 2002, to address large volumes of traffic in connection with concerts at the Roanoke Civic Center, which measures are intended to better serve patrons of the two events.

At 3:35 p.m., the Mayor declared the meeting in recess to be reconvened at 5:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

A joint meeting of City Council and the City Planning Commission was called to order at 5:00 p.m., on Monday, August 19, 2002, in Room 159, Emergency Operations Center Conference Room, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith and Chairman Robert B. Manetta presiding.

COUNCIL MEMBERS PRESENT: William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member William D. Bestpitch-----1.

CITY PLANNING COMMISSION MEMBERS PRESENT: Gilbert E. Butler, Jr., S. Wayne Campbell, D. Kent Chrisman, Melvin L. Hill, Robert B. Manetta, Richard A. Rife, and Fredrick M. Williams-----7.

ABSENT: None-----0.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk, Robert B. Townsend, Director of Planning Building and Development and Martha P. Franklin, Secretary, City Planning Commission.

COUNCIL-COMMUNITY PLANNING: The Mayor welcomed members of the City Planning Commission and staff to the meeting and advised that following dinner, the business session would convene.

The invocation was delivered by Vice-Mayor Harris.

Following dinner, the business session convened at 5:35 p.m.

THE COMPREHENSIVE PLAN AS THE CITY OF ROANOKE "GUIDING LIGHT":

Mr. Carder advised that the Comprehensive Plan should be the guiding light and the ruler by which City Council, the City Planning Commission and City staff base all decisions and discussions. He referred to the City's streets and corridors and pointed out that the Comprehensive Plan states that City streets should be

pedestrian friendly, pro business/high density, with traffic calming measures, etc.; however, he referenced a plan for a left turn lane on Williamson Road which is contrary to the Comprehensive Plan and to the Williamson Road Corridor Plan. He suggested future work sessions to discuss street arteries and corridors, how they fit in with the Comprehensive Plan and how they become pedestrian friendly. He called attention to Brandon Avenue through the Raleigh Court area where there is a five lane highway which is not user friendly, and there was previously an opportunity to turn the area into residential/retail development.

DISCUSSION:

The City Planning Commission and the citizenry at-large are gravitating in the direction of new urbanism.

The Zoning Ordinance and Subdivision Ordinance update will be a valuable tool to the City Planning Commission.

Successful implementation of the Comprehensive Plan starts in the City's budget process – can a new project/expenditure be supported based on the Comprehensive Plan.

Once the zoning classifications are updated, zoning classifications must be assigned and the most difficult component will be deciding which zoning districts are incorporated in which places along Roanoke's corridors, while moving away from strip commercial toward compact neighborhood oriented commercial types of development.

With the Comprehensive Plan and revisions to the zoning ordinance, there is an opportunity to reach a collective focus which has not heretofore existed.

Some persons would like for the Comprehensive Plan to magically happen, but there are numerous other steps that need to occur first, and the zoning ordinance and zoning map are key implementers to the Comprehensive Plan, therefore, the question becomes when to begin the necessary steps. It is intended to adopt neighborhood plans as elements of the Comprehensive Plan in the same way that the Outlook Roanoke Plan was adopted as an element to the Comprehensive Plan. Another 12 - 14 months will be needed before the zoning ordinance/maps are updated, and it must be emphasized that certain elements of the process will not be available for quite some time.

In summary, the City Manager advised that Council and the City Planning Commission are the two groups that must decide how seriously they want to make the Comprehensive Plan the City's guiding principle, and it should be taken into consideration that there must be certain other key elements in place before the Comprehensive Plan can be implemented.

UNDERGROUNDING OF UTILITIES AS A PART OF MAJOR STREET REBUILDING PROJECTS:

Chairman Manetta advised that in placing the item on the agenda, he was referring primarily to the future expansion of 10th Street and the opportunity to install underground utilities. He stated that a concern of the City administration relates to costs and suggested that the City obtain information on actual costs associated with undergrounding utilities and not rely totally on information supplied by the Virginia Department of Transportation (VDOT), because VDOT may prefer spending its money on asphalt, as opposed to undergrounding utilities.

DISCUSSION:

If one envisions the City 50 - 75 years into the future, power lines should not be above street level. The City has to start at some point in time in areas such as southwest, or southeast where power lines can be brought into the alleys, similar to certain areas of Raleigh Court.

The City should begin to collect data on costs, the time factor for undergrounding, and prioritize those areas where utilities should be underground.

The bio medical facility in the Riverside Centre is a new development that is required to have underground utilities, which is in compliance with the City's Comprehensive Plan.

The City should take actions that get it closer to the Comprehensive Plan, and if the Williamson Road Corridor wants to be totally pedestrian friendly, the City should do what it can to get closer to that point, rather than something that is contrary to that direction.

When addressing the undergrounding of utilities, consideration should be given to the fact that in the overall scheme of things, the City has many needs and the City of Roanoke should not take on the burden of doing everything for everyone.

The City must start thinking tactically about the Comprehensive Plan, which will lead to tree lined streets, traffic calming, undergrounding of utilities, etc.

The City Manager advised that the issue is broader than just 10th Street because 10th Street is an example of a future highway project, although it is not known when the project will be completed since the Six Year Plan of VDOT is no longer viable. She advised that if Council is serious about the issue of underground utilities, a work session would be in order with American Electric Power officials to discuss costs, options in terms of financing, etc. She stated that the issue is whether the community in a broader sense, or smaller subcommunities, are willing to pay a special rate for electricity in order to receive undergrounding, and the answer may differ by community, or on a City-wide basis. She advised that undergrounding of utilities is a policy decision and it will be necessary for Council to decide when that specific policy is to be addressed.

The Mayor requested that the City Manager obtain information on how undergrounding of utilities is accomplished in other communities, associated costs, etc.

The City Manager advised that undergrounding of utilities will be done at the Riverside Centre, underground utilities currently exist at the Roanoke Centre for Industry and Technology, and will be required for new development, however, the question is what to do with existing development which carries a large price tag. For example, she advised that approximately \$2 million for approximately 2000 feet will be spent on undergrounding the overhead wiring in Jefferson Street in the vicinity of Carilion. She stated that if undergrounding of utilities is an issue that Council wants to study, she will schedule a future work session.

DEVELOPMENT AND UPDATE OF THE GREENDAY/PEDESTRIAN PLAN FOR THE CITY OF ROANOKE:

Chairman Manetta called attention to numerous issues concerning pedestrian design and development in the City of Roanoke which will require rethinking about sidewalks, neighborhoods, and parks, and within the next year, there should be an update as to how those types of ideas tie in with the greenway plan.

DISCUSSION:

There should be a prioritization for the greenway plan.

There should be an assurance that greenways interconnect, and neighborhoods should approve of greenways and feel a sense of ownership.

The existence of a greenway along the Roanoke River places more focus on the Roanoke River and there is a higher expectation in terms of more frequent litter pickup, etc., therefore, a greenway along the Roanoke River tends to improve the quality of the riverside.

With new development, sidewalk, curb and gutter will be required to be funded by the developer. In those instances where there is no need or desire for sidewalk, there should be some flexibility to use the money for greenways, or to fund sidewalks at other locations in the City.

REVIEW OF THE CURRENTLY PROPOSED FLOOD REDUCTION PROJECT FOR THE ROANOKE RIVER AND ENSURE CONSISTENCY WITH ENVIRONMENTAL AND AESTHETIC POLICY CONTAINED IN THE COMPREHENSIVE PLAN

Mr. Manetta advised that there has been considerable discussion about the Comprehensive Plan and the scenic quality along the Roanoke River. He suggested that the City abide by some of the suggestions to ensure that the project conforms with the rendition of what the City of Roanoke should be and what the Roanoke River should be.

DISCUSSION:

Undergrounding of utilities tends to eliminate street trees and flood reduction requires the clearing of trees along the river banks.

There was discussion in regard to the Roanoke River Greenway and the flood reduction project; whereupon, it was pointed out by City staff that Phase I of the flood reduction project includes the lower end from the Water Pollution Control Plant through Wasena Park, in the range of \$5 million, and a greenway trail is currently in the first construction phase which is anticipated to start in 2003.

Other than the removal of dead trees and litter, nothing will be done to the banks of the Roanoke River during the first phase, the majority of vegetation will remain as is, but where there are bench cuts, which tend to be on one side or the other, vegetation must be removed. When the first phase of the flood reduction project is completed, all excavation will be completed, all utilities will be relocated and there will be a complete template along the Roanoke River, and it would be hoped that the City would not have to do any significant work in the future. There will be a continuous greenway from the Sewage Treatment Plant to Wasena Park in Phase I. The City will use that portion through Smith Park, tie in on both ends, replace the low water bridges, and the remainder of the length will be a new greenway trail.

The City Manager pointed out that Congress has not approved funding, City staff is encouraging inclusion of the greenway, and the City has the support of Congressman Bob Goodlatte.

STREET AND ALLEY CLOSURE PROCESS AND POLICY:

Chairman Manetta advised that for some time, the City Planning Commission has had concerns with regard to street and alley closures and public land reverting to private ownership, with no compensation to the City of Roanoke. He stated that in recent months, the Planning Commission has received unrealistically low estimates (not fair market value) from the Director of Real Estate Valuation on the value of properties. Therefore, he stated that the City Planning Commission encourages a more efficient policy to address fair market value versus assessed value.

The City Manager called attention to a policy adopted by Council approximately two years ago with regard to compensation for such properties and Council has chosen to address each issue on a case by case basis. She stated that

there have been instances when the City was better off to donate a piece of property to a petitioner for maintenance purposes; however, in those instances where property will enhance development, a value should be placed on the property by the City. She referred to development of a policy by City staff which will include a statement setting forth the property value as determined by the Director of Real Estate Valuation and the Economic Development Department prior to a petitioner submitting an application for vacation or closure.

CITY PLANNING COMMISSION COORDINATION WITH CITY COUNCIL APPOINTED/INITIATED SPECIAL CITY COMMISSIONS OR AD HOC TASK FORCES AND COMMITTEES:

Chairman Manetta suggested that the City Planning Commission have representation on various City task forces, study committees and ad hoc committees that address specific matters under the jurisdiction of the City Planning Commission so as to provide the Planning Commission's perspective.

OTHER BUSINESS: NONE

There being no further business, at 6:40 p.m. the Mayor declared the City Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday August 19, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch (arrived late), William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Mayor Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

SCHOOLS: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, to receive the views of citizens regarding appointment of a School Board Trustee to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005, the matter was before the body.

The following persons applied for the position:

Edna Crabbere
David Dabay
John W. Elliott, Jr.
Lewis P. Grogan
William H. Lindsey
Michael W. Ridenhour

Advertisement of the public hearing was published in The Roanoke Times on Friday, August 9, 2002, and in The Roanoke Tribune on Thursday, August 8, 2002.

The Mayor inquired if there were persons present who would like to address Council in connection with the public hearing. There being none, the Mayor declared the public hearing closed.

The Mayor advised that Council will vote to fill the vacancy at its regular meeting to be held on Tuesday, September 3, 2002, at 2:00 p.m.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Valley Pine Mortgage, Inc., that a tract of land described as a .010 acre portion of Lot 1, Block 7 Mountain View Official Tax No. 1221013 and a 0.204 acre tract portion of Lots 11 and 12, Block 7, Mountain View, Official Tax No. 1221014, be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Thursday, August 8, 2002.

A report of the City Planning Commission advising that the two subject parcels are between Virginia Avenue and the Norfolk Southern railroad tracks; the petitioner has a contract pending with the owners of Black Dog Architectural Salvage, which plans to relocate its business to the site; the Department of Economic Development is assisting Black Dog Salvage with relocation from its Franklin Road address; the prospective owners plan to use the existing warehouse building on Official Tax No. 1221201 and the adjoining parcel, Official Tax Nos. 1221203 and 1221207, to house an antique storage and retail sales establishment; and the prospective owners propose to use the subject properties for parking, was before Council.

The City Planning Commission recommended that Council approve the request to rezone the subject properties, advising that the rezoning is consistent with the policies of Vision 2001-2020 in that it will encourage redevelopment of an underused industrial site.

Mr. Dowe offered the following ordinance:

(#36041-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 122, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 354.)

Mr. Dowe moved the adoption of Ordinance No. 36041-081902. The motion was seconded by Mr. Carder.

Stephen W. Lemon, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36041-081902 was adopted by the following vote:

AYES: Council Members Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Bestpitch had not entered the meeting.)

At this point Council Member Bestpitch entered the meeting.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday April 6, 1981, the City Clerk having advertised a public hearing for Monday , August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Valley Pine Mortgage, Inc., that a portion of Virginia Avenue, S. W., from 13th Street, to Spottswood Avenue, an alley lying between parcels bearing Official Tax Nos. 1221013 and 1221014; and an alley lying between parcels bearing Official Tax Nos. 1221203 and 1221207, be permanently vacated, discontinued and closed, to the extent that the City of Roanoke has any legal interest in said public right-of-way, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002, and Friday, August 9, 2002.

A report of the City Planning Commission advising that all of the parcels of land and the alley adjoining Virginia Avenue are vacant; an unoccupied warehouse lies to the west on Official Tax No. 1221201, which the petitioner is under contract to sell; and to the south and west of the alley adjoining Midvale Avenue is a mobile home development that is a grandfathered use on an LM-zoned property, was before Council.

It was explained that the prospective owners plan to use the existing warehouse building on Official Tax No. 1221201 and the adjoining parcels, Official Tax Nos. 1221203 and 1221207, to house an antique storage and retail sales establishment; and they propose to use the subject portion of right-of-way for ingress and egress to the site, and to close off Virginia Avenue from Spottswood Avenue to erect a fence for security concerns.

The City Planning Commission recommended that Council approve the request, advising that such closure will aid in redevelopment of an industrial site; the redevelopment of such sites is encouraged in *Vision 2001-2020*; while *Vision 2001-2020* also encourages maintaining and increasing the connectivity of City roads, the degree of connectivity lost in this case is negligible when compared to the greater gain of developing the site; as a condition of closure, Virginia Avenue will remain open until the reopening of Hannah Circle; and, in addition, the closure, discontinuance and vacation of the subject portion of Virginia Avenue and the paper alleys will be subject to the following conditions:

The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals thereof, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of the authorizing ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

Upon recording a certified copy of the authorizing ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

If the above conditions have not been met within a period of one year from the date of adoption of the authorizing ordinance, said ordinance shall be null and void with no further action by City Council being necessary.

Mr. Dowe offered the following ordinance:

(#36042-081902) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 355.)

Mr. Dowe moved the adoption of Ordinance No. 36042-081902. The motion was seconded by Mr. Carder.

The City Manager advised that rather than requiring payment for closure of the right-of-way, in this case City staff was of the opinion that enacting those conditions contained in the ordinance would provide an enhanced appearance to the gateway of a neighborhood, as opposed to requiring remuneration. She stated that this is another example of how staff will address the issue of right-of-way and street closure in the future.

Steven W. Lemon, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36042-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of A Space, LLC, that five tracts of land located on Sixth Street, Luck Avenue, and Marshall Avenue, S. W., identified as Official Tax Nos. 1113305, 1113501, and 1113502, zoned LM, Light Manufacturing District, and Official Tax No. 1113312 and a portion of Official Tax No. 1113313, zoned C-1, Office District, be rezoned to C-3, Central Business District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002 and Friday, August 9, 2002.

A report of the City Planning Commission advising that the only existing improvement on the subject properties is a masonry warehouse, sometimes referred to as the Cotton Mill, constructed in 1919 and located on Official Tax No. 1113305 and other parcels in the petition for rezoning are used for parking; the petitioner is contemplating a mixed-use development for the vacant warehouse space, which was originally used as a manufacturing facility; and it is proposed that half of the building be occupied by artist studios and loft apartments, with the balance of the property supporting office and retail uses, such as a café/bistro, photography studios, art shops, study groups, dance classes, craft stores, nature stores, outdoor stores, and professional offices, was before Council.

The City Planning Commission recommended that Council approve the rezoning request, advising that given the development and success of the Jefferson Center, the need to connect the Old Southwest neighborhood with downtown, the potential to provide desired downtown residential units and live/work space, and the need to solidify an anchor for the western edge of downtown, the rezoning request is an appropriate and desirable use of the properties.

Mr. Carder offered the following ordinance:

(#36043-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 111, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 359.)

Mr. Carder moved the adoption of Ordinance No. 36043-081902. The motion was seconded by Mr. Dowe.

Nick Glennon spokesperson, appeared before Council in support of the request of the petitioner.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36043-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Cesar Dominguez to repeal and replace proffered conditions for rezoning property located at 325 Jefferson Street, N. E., bearing Official Tax No. 3012801, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002 and Friday, August 9, 2002.

A report of the City Planning Commission advising that on April 16, 2002, Council approved a rezoning of the subject property from RM-2 to C-3, subject to the following conditions, was before the body.

The existing building will be rehabilitated and reused for uses provided for within the C-3, Central Business District. The existing shed in the rear of the property will be removed.

There will be no sale of alcohol permitted in conjunction with any use of property.

It was further advised that the petitioner later reconsidered the first proffer that specified removal of the shed in the rear of the property, and requests that conditions proffered and approved by Ordinance No. 35817-041502 be repealed and replaced with the following proffers:

The existing two-story building will be rehabilitated and reused for uses provided for within the C-3, Central Business District.

There will be no sale of alcohol permitted in conjunction with any use of property.

The Planning Commission advised that the building is vacant and has been uninhabited for over eight years; in the past, the commercial building was the location of the Moses Store and an upstairs apartment where the owners lived; the shed is located to the rear of the property and faces Gilmer Avenue; and amendment of the proffered conditions will give the owner the option of retaining and rehabilitating the accessory buildings, or demolishing the accessory building, with approval by the Architectural Review Board.

The City Planning Commission recommended that Council accept the amended proffered conditions.

Mr. Dowe offered the following ordinance:

(#36044-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 301, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 361.)

Mr. Dowe moved the adoption of Ordinance No. 36044-081902. The motion was seconded by Mr. Carder.

Cesar Dominquez, petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36044-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Cape Town, LC and Steven W. Morris, that two tracts of land located on the southwest side of Roberts Road, S. W., designated as Official Tax Nos. 1290212 and 1290211 (2918 and 2924 Roberts Road respectively), be rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 2, 2002 and Friday, August 9, 2002.

A report of the City Planning Commission advising that following its meeting on July 18, a Fourth Amended Petition was filed by the petitioner containing the following proffered conditions, was before Council.

With the exception of ordinary maintenance and the addition of any ramps or other similar structures as may be necessary to satisfy the requirements of applicable laws, such as the Americans with Disabilities Act, the exteriors of the residential structures presently located on both of the lots will remain the same as they are on the date of this petition, without material exterior modification or addition.

Neither of the properties, nor any part of either of them, shall be used as a trade or vocational school of an industrial nature, medical clinic, medical office, or funeral home, club, lodge and fraternal organization, medical laboratory, or public parking lot and structure.

The City Planning Commission recommended that Council approve the amended petition on a vote of 6-0, advising that given the adjacent land uses and zoning patterns, C-1, Office District, permitted uses, particularly as limited by the proffered conditions, are appropriate uses of the subject properties; and the requested zoning change, with retention of the residential structures, provides a reasonable approach to buffering the residential neighborhood from existing intensive commercial uses.

Mr. Dowe offered the following ordinance:

(#36045-081902) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 363.)

Mr. Dowe moved the adoption of Ordinance No. 36045-081902. The motion was seconded by Mr. Cutler.

Daniel F. Layman, Jr., Attorney, representing the petitioner, appeared before Council in support of the request of his client. He advised that he appeared before Council on May 20, 2002, at which time Council received a report from the City Planning Commission recommending denial of the request on a 3-3 vote. He advised that on May 20, Council requested that the matter be referred back to the City Planning Commission for further study, report and recommendation, and the matter was again consideration by the Planning Commission in July 2002, at which time it received a 6 - 0 vote for approval. He explained that the Planning Commission's recommendation contains a favorable vote by the three City Planning Commissioners who initially voted against the request in May, and noted that three facts led to the change in the position of the City Planning Commission; i.e.: the request was amended to provide that both houses presently located on the lots will remain unchanged unless and until otherwise approved by Council; certain uses

were deleted from the application that City Planning staff believed to be heavier traffic generators; and the City's new Director of Planning advised that the requested rezoning was a proper zoning action for the property. Additionally, he stated that certain facts were presented by the petitioner regarding the facility operated by Carilion and the City Planning Commission agreed that the level of activity on the property is such that it has materially adversely affected the viability of the lots as residential property, because the facility is substantially an all day every day operation which creates more activity in the area than formerly existed at the Moore's Store, therefore, the two lots are completely open to commercial use.

He noted that the statement was made by a Member of Council that there are sufficient C-1 properties currently available in the City of Roanoke; however, he stated that such position would result in a static real estate market, one that would refuse to respond to market forces, and would not take into consideration changes that occur around properties, with the property in question serving as a perfect example. He added that the two houses subject to the rezoning fit within the statement of the intent of the zoning ordinance and the C-1, Office District, which is intended to preserve the existing residential character of neighborhoods and their viability by allowing limited commercial uses and appropriate existing or new structures. He stated that the buildings will remain unchanged except that between the hours of 8:00 a.m. and 6:00 p.m., they will be used for office purposes and from 6:00 p.m. to 8:00 a.m., they will be empty, therefore, the neighborhood will notice little difference in moving from a residential use to an office use.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

Mr. Charles Helms, 2951 Roberts Road, S. W., owner of four parcels of rental property in the area, advised that the City Planning Commission previously denied the request on a 3 - 3 vote and is now recommending approval on a 6 - 0 vote; whereupon, he requested a clarification as to the City Planning Commission's rationale for changing its vote. He called attention to an abundance of office space on Franklin Road which is currently empty and questioned the need for more C-1 zoning. He presented a petition signed by 61 persons in the Roberts Road area in opposition to the request for rezoning. He spoke against the rezoning because the two houses would be better served as residential property, and asked that Council deny the request for rezoning.

Ms. Maggie Snyder, 1915 Meadowbrook Road, N. W., advised that she previously lived in the area and was subjected to loud noise at all hours of the day and night from the Carilion facility, music from a bar behind the property, and noise from Franklin Road in general.

Mr. Layman was requested to review the proffered conditions to rezoning which are on file in the City Clerk's Office.

No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no further discussion, Ordinance No. 36045-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris Wyatt and Mayor Smith-----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Franklin Road, L.L.C., that a 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins Official Tax No. 1300101, be permanently abandoned, vacated, discontinued and closed, to the extent that the City of Roanoke has any legal interest in said public right-of-way, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on August 6, 2002 and August 13, 2002.

The City Manager submitted a communication advising that upon Council's July 15, 2002 continuation on the petition to close a portion of the Franklin Road right-of-way, City staff worked with the petitioner to address various questions and concerns raised by Council; and the following outlines the result of staff consultations with the petitioner.

Piping of the open stream adjacent to the right-of-way: The drainage system both to the north and south of this site is currently piped. As part of any subsequent development plan for this site, the Department of Engineering would review the proposal to ensure that the piping of this portion is of a size sufficient to properly handle flows coming from upstream and providing proper transition to existing piping further downstream.

Consideration of future Franklin Road Greenway: While in its conceptual form, there has been no determination as to which side any future greenway along Franklin Road might utilize. The development of this site would result in new curb, gutter, and sidewalk along the Franklin Road frontage where none exists today, and would provide a similar amount of pedestrian walking area as is currently found on existing developed sites north and south of this site on the east side of Franklin Road. Therefore, future greenway or pedestrian way development would not be precluded, but in fact, enhanced, on the east side of the street with the development of this property.

Development conditions related to slopes: The applicant has presented three conditions to which he is willing to commit at this time regarding the slope/cut of the hill to the rear of the property.

- a. There will be no natural/vertical cuts in the terrain of the parcel. All land will either be graded or sloped as geotechnical conditions warrant.
- b. A 10-foot buffer from the rear property line will be retained whereby a minimum of 10 feet of land will remain in its natural undisturbed state, measured from the property line and extending westwardly toward Franklin Road.
- c. Resulting slopes will be re-established with permanent vegetation on all graded areas left unpaved or undeveloped, unless exposed rock results from the cutting into the hill at the rear of the property. (This condition would apply as a result of any development of the site as a part of the City's development plan approval process).

It was further advised that City staff does not believe that these conditions, as currently proposed, give sufficient assurances regarding the range of potential slope percentages that could result on the site as an outcome of the vacated right-of-way being added to the site area, which was the basis of inquiries by City Council Members at the July 15 meeting; and more detailed geotechnical analysis would have to be undertaken by the applicant to begin to identify the range of slope percentages that would result from development of the property either with, or without, the vacated right-of-way being made a part of the site.

Value of right-of-way: \$15,000.00 had been previously identified as the contributory value for the closure of this right-of-way. The petitioner has indicated a willingness to provide payment of a significantly lesser sum of approximately \$7,800.00.

The City Manager advised that the property, by right, is properly zoned to be developed without the street closure; some of Council's issues/concerns regarding development of the property have been addressed in responses above noted; while insufficient information has been provided by the applicant to address in total the post-development range of resulting slope conditions that might result on the property if the right-of-way were to be vacated, the ability to apply at a minimum, condition (b) above, to a street closure approval, would potentially provide a better buffering relationship to the top of the hill than otherwise would happen if the street closure were denied, and the property developed as a matter of right; therefore, City staff can support closure of the portion of the right-of-way with this condition.

Mr. Dowe offered the following ordinance:

“An ORDINANCE permanently vacating discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.”

Mr. Dowe moved the adoption of the ordinance. The motion was second by Mr. Carder.

Stephen Strauss, representing Structures Design/Build, L. L.C., advised that he met with City representatives to discuss and resolve issues that were raised at the July 15, 2002, public hearing. He stated that the City of Roanoke should be a positive force to encourage development within the City and not a hindrance, and discussions with City staff were positive, resulting in a solution that will benefit the City of Roanoke, the adjoining land owners and the developer, given the fact that the property is properly zoned for development. He stated that the majority of the

issues that were raised, such as pipe sizing, erosion concerns and greenway development, will be addressed in the development review process which will ensure that development will comply with the City's established standards. He advised that he is committed to paying \$7,800.00 for the vacated land and, in addition, due to right-of-way vacation, he will ensure that a natural buffer of ten feet will remain in place along the rear of the property for the benefit of residents of White Oak Road.

Mr. Bestpitch recommended a friendly amendment to the ordinance that \$15,000.00 be inserted on page 3, paragraph 2, as follows:

“BE IT FURTHER ORDAINED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of fifteen thousand dollars (\$15,000.00) as consideration for this action taken by City Council.”

Mr. Dowe and Mr. Carder, maker of the motion currently on the floor, concurred in the friendly amendment offered by Mr. Bestpitch.

Mr. Fred Flowers, 3207 White Oak Road, S. W., advised that there are two opposing interests who would like to purchase the 3.5 acre tract of land on the side of the hill between Franklin Road and White Oak Road, S. W. He stated that residents of White Oak Road wish to preserve the land in its present state by purchasing the land and donating it to the City of Roanoke as a permanent green space; and Structures Design/Build proposes to cut into the hillside and construct three office buildings. He noted that the property owner first offered the land, privately, to the ten adjoining property owners at \$285,000.00 in May 1998, however, at \$28,500.00 per family, residents could not afford to purchase the land and it was placed on the market; and in January 2001, the property had not sold and the owner again offered it to the adjoining property owners at \$150,000.00, but residents still could not afford to purchase the land and continued to hope that the property was priced too high for commercial development. He stated that 17 months later, Structures Design/Build appeared before the City Planning Commission with a proposal that would make commercial development of the property economically feasible by asking the City of Roanoke to donate .7 acre of excess right-of-way on Franklin Road so as to reduce the slope of the cut into the hillside. He explained that the excess right-of-way acreage will provide a significant portion of the project's useable bottom land, costing far less to develop than the hillside portion and dramatically reducing the amount of material to be removed from the hillside and

further lowering development costs. He stated that the revised profile drawing that was presented to the City Planning Commission shows 81 feet of usable bottom land that the developer would purchase and 36 feet that the City would provide; if the City's portion amounts to 44 per cent of the developer's portion of the land and if the option price to the developer is \$150,000.00, market value of the City's land would be 44 per cent, or \$66,000.00; therefore, White Oak Road residents do not agree with the \$7,800.00 or the \$15,000.00 under consideration. He stated that the \$66,000.00 land subsidy, plus substantially reducing excavation costs, could easily be the deciding factors in the project, and it is only with this in mind that the developer has pursued the project. He reiterated that residents of White Oak Road strongly oppose the destruction of the 100 foot wide buffer between the neighborhood and Franklin Road, and request that Council refrain from sweetening the deal for the developer, because the City will be far better off with a newly dedicated green space donated by its citizens.

Mr. James Mullitt, 3227 White Oak Road, S. W., advised that two weeks ago, residents of White Oak Road requested Council's assistance in preserving the wooded hill along Franklin Road between West Motor Sales and Avenham Avenue, which serves as an oasis of nature in an otherwise commercial development, and residents of the area are unanimous in their desire to save this wooded hillside. He stated that everyone benefits from the hillside, which is why residents propose to purchase the land and donate same to the City as a designated green space. He added that it has been learned that development of the property is an economic decision and one of the important economic variables is the City owned right-of-way along Franklin Road, to which the City of Roanoke holds the key. He stated that the area in question is a steep hill, and the City owns a large portion of what could be flat usable land, with the remainder coming from excavation of the hill, therefore, Council's decision not to grant the land to the developer would make development very expensive, and might create the opportunity for the land to be turned into a designated green space. He advised that development would increase the City's tax base, but at what price, i.e.: loss of neighborhood values and loss of beauty and peace to make room for more commercial buildings. He requested that Council deny the sale or the granting of City owned right-of-way to the developer, because residents of the area would like for the green hillside to remain intact for all to enjoy for many years to come.

There being no further speakers, the Mayor declared the public hearing closed.

Mr. Cutler advised that the goals of Council Members should be to promote economic development through the highest and best use of the City's land, to minimize negative environmental impact associated with economic development, to protect unique environmental recreational resources and to obtain fair market value for property rights being transferred from the City, which have been held in trust for the citizens of the City of Roanoke. He stated that just as the City must pay fair compensation for private property rights, the City is owed fair payment for its property rights. He added that the developer in this instance may be unwilling to pay what the right-of-way is worth; therefore, he favors maintaining the land in its natural state and for the residents to acquire the land and donate same to the City of Roanoke as green space. He stated that he intends to oppose transfer of the right-of-way.

Mr. Strauss modified his previous proposal to either pay \$15,000.00 in cash or \$8,200.00, which is the difference between the \$7,800.00 and the \$15,000.00, to be used for additional landscaping.

Upon question, Mr. Strauss advised that regardless of whether the City grants the right-of-way, it is his intent to construct the office building, and, additionally there will be no ten foot buffer on the rear of the property that would be left in its natural state, which would require an even larger cut into the hillside. He reiterated that it is his intent to move forward with development with or without abandonment of the right-of-way by the City.

Mr. Carder advised that he did not feel comfortable with the sale price of \$15,000.00, therefore, he could not support the request. However, he stated that the property owner has the right to develop the land and whether the land remains as green space is not the option of the City of Roanoke.

Mr. Strauss clarified that if the right-of-way is vacated, he would be willing to increase the rear buffer from ten to fifteen feet from the rear property line toward Franklin Road, leaving the area in its natural state with no grading and retain the natural vegetation. Additionally, he stated that City Code requirements with regard to separating a residential and a commercial area would also be included in conjunction with the fifteen feet of natural area. Further, he stated that to reach the contributory value of \$15,000.00, he will either pay the full amount in cash, or a portion in cash, and a portion for additional landscaping.

Ms. Wyatt advised that because of the willingness of the developer to cooperate and his willingness as a corporate citizen to develop the land taking into consideration the needs of the neighborhood through the least amount of invasiveness to the land, she plans to support the request because it is the right and fair thing to do and over the long term, such action will protect the neighborhood.

Mr. Harris advised that he intended to vote against the vacation of the right-of-way because value of the land far exceeds \$15,000.00, and the City Planning Commission voted to deny the request.

Mr. Dowe moved that the ordinance be amended to provide for a 15 foot buffer instead of the 10 foot buffer previously offered by the petitioner. The motion was seconded by Ms. Wyatt and adopted.

There being no further discussion; the Ordinance, as amended, was lost by the following vote:

AYES: Council Member Wyatt and Mayor Smith-----2.

NAYS: Council Members Dowe, Harris, Bestpitch, Carder and Cutler-----5.

ECONOMIC DEVELOPMENT-CITY PROPERTY-INDUSTRIES-LEASES-PARKING FACILITIES: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber, with regard to consideration by the City of Roanoke of awarding a Lease and/or Agreement between the City of Roanoke and Warehouse Row, L.P., to provide that Warehouse Row will lease, renovate and equip City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., for a lease term up to 40 years, upon certain terms and conditions; and to consider the possible lease of all or part of City-owned property located at 117-123 Salem Avenue, S. W., Official Tax Nos. 1010409 - 1010411, inclusive, to Warehouse Row for use as parking spaces, in connection with the abovementioned lease of buildings, the initial term of lease of such property for parking spaces will be for a period of up to five years, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Monday, August 12, 2002.

The City Manager submitted a communication advising that the City of Roanoke currently owns two buildings, identified as 117 and 119 Norfolk Avenue, S. W., along the Warehouse Row area of downtown Roanoke; and a public hearing was held on July 1, 2002, and July 15, 2002, and continued generally, and a public hearing was advertised for August 19, 2002, concerning the possible acceptance and award of a bid submitted by Warehouse Row, L.P. for lease, renovation, and equipping of 117 and 119 Norfolk Avenue so that such buildings may be used for sub-leases by tenants, which may create tax revenues for the City and enhance economic development of the area.

It was further advised that Warehouse Row, L.P. was the only entity to submit a bid to the City of Roanoke on July 1, 2002, to lease, renovate and equip such City buildings; the matter was referred to the City Manager and after further negotiations, the City Manager and Warehouse Row, L.P., reached agreement on the terms of a Lease Agreement and a Recapture of Investment Agreement.

It was explained that term of the lease shall be for 40 years, whereby Warehouse Row, L.P. shall pay to the City the sum of one dollar per year; in addition to the lease of the buildings, the City of Roanoke shall provide parking spaces to be determined by the parties, located on all or part of City owned property located at 117-123 Salem Avenue S. W., Official Tax Nos. 1010409, 1010410, and 1010411, to Warehouse Row, L.P. for use as parking spaces, in connection with the lease of the buildings, for an initial term of five years; Warehouse Row L.P. shall expend approximately \$1,700,000.00 in making permanent improvements and in equipping the buildings; and Warehouse Row, L.P. will operate and manage the property, at its sole cost and expense, as high quality commercial space suitable for use by technology companies.

It was noted that in order to help finance the above lease, Warehouse Row, L.P. needs to have a Recapture of Investment Agreement among the City, Warehouse Row, L.P., Warehouse Row, L.L.C., Warehouse Row Lending, L.L.C., Carilion Health System, and the Roanoke Valley Development Corporation; after five years from when the property has been placed in service, any member of Warehouse Row L.L.C., defined as Carilion Health System and/or The Roanoke Valley Development Corporation, may elect to sell its membership interest in the property; upon request for sale of the membership interest, the City, or its designee, shall first have the right to purchase such interest, which is defined as the initial and subsequent capital investments, plus the amount of net operating revenue, if any,

not equal to an average of a six per cent return on the original capital investment; if the City does not execute its right to purchase such membership interest, Warehouse Row L.L.C. shall have the exclusive right to sell the property to another purchaser; and sales proceeds will be distributed as follows:

- a. First, to repay Warehouse Row L.L.C. interest/investment.
- b. In the event of any excess over the LLC investment, such excess will be applied to the City's original purchase price of the property (\$636,000.00).
- c. In the event the final purchase price, plus the LLC investment noted in (b) immediately above also exceeds the \$636,000.00 original purchase price of the City, any excess over that amount will be distributed 1/3 to the City, 1/3 to Carilion and 1/3 to The Roanoke Valley Development Corporation.

The City Manager recommended, following the public hearing, that Council accept the bid of Warehouse Row, L.P., authorize the City Manager to execute both a Lease Agreement between the City of Roanoke and Warehouse Row, L.P. and a Recapture of Investment Agreement among the City of Roanoke, Warehouse Row, L.P., Warehouse Row L.L.C., Warehouse Row Lending, L.L.C., Carilion Health System, and the Roanoke Valley Development Corporation, to be approved as to form by the City Attorney; and further authorize the City Manager to take such additional actions, or execute such additional documents as may be necessary to implement and administer said agreements.

Mr. Dowe offered the following ordinance:

(#36046-081902) AN ORDINANCE accepting the bid of Warehouse Row, L.P., to lease, renovate and equip certain City owned buildings located at 117 and 119 Norfolk Avenue, S. W., (Buildings) for a term of 40 years, upon certain terms and conditions, and authorizing the City Manager to execute such a Lease Agreement, which will also provide for the lease of or otherwise providing for parking spaces on property owned by the City and located at 117 – 123 Salem Avenue, S. W.; authorizing the City Manager to execute a further agreement among the City, Warehouse Row, L. P. (WR), Warehouse Row, L.L.C., as General Partner (GP), Warehouse Row Lending, L.L.C. (WRL), Carilion Health System (Carilion), and Roanoke Valley Development Corporation (RVDC) and/or other parties as may be

necessary, that will provide for a recapture of the investment to be made by some or all of such parties in connection with the lease, renovation and equipping of the Buildings, and which agreement will include a provision for the possible future sale of the Buildings; authorizing the City Manager to take such further action and to execute such further documents as may be necessary to implement and administer such lease and/or agreements; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 364.)

Mr. Dowe moved the adoption of Ordinance No. 36046-081902. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36046-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-CITY PROPERTY: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to vacate a portion of a sanitary sewer easement located on Gum Spring Street, S. E., which is encroaching on property identified as Official Tax No. 4200901, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, August 6, 2002 - Monday, August 12, 2002.

The City Manager submitted a communication advising that the property owner at 3138 Gum Spring Street, S. E., Nellie M. Brown, has requested that the City of Roanoke vacate a portion of a sanitary sewer easement that runs under a corner

of the house and patio; encroachment of the residence was discovered when a survey plat was prepared prior to purchase of the property; and Ms. Brown has relocated a portion of the sewer line to remove the encroachment and is willing to dedicate to the City an easement for the new alignment.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents to accept the new easement, subject to a satisfactory environmental site inspection, and vacate the existing easement; the new easement shall be dedicated as a sanitary sewer easement; and the property owner will be responsible for preparation of all necessary documents.

Mr. Dowe offered the following ordinance:

(#36047-081902) AN ORDINANCE authorizing the vacation of an easement on property identified as Official Tax Map No. 4200901 located on Gum Spring Street, S. E., upon certain terms and conditions.

(For full text of Ordinance, see Ordinance Book No. 65, page 367.)

Mr. Dowe moved the adoption of Ordinance No. 36047-081902. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no further discussion; Ordinance No. 36047-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY PROPERTY-TELEPHONE EQUIPMENT-WATER RESOURCES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease a portion of the City owned

Washington Heights Water Tank site, located in the 4100 block of Wyoming Avenue, to Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless, for the purpose of installing antennas and related equipment thereon, to provide radio and wireless telecommunications services, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 11, 2002.

The City Manager submitted a communication advising that Council approved and adopted the City of Roanoke Policy as to Wireless Telecommunications Facilities located on City property dated January 21, 1997, in accordance with a recommendation of the Water Resources Committee dated February 3, 1997; the City currently provides leased space on four water tanks to Virginia PCS Alliance, L.C. and Triton PCS Property Company, L.L.C.; lease agreement renewals with the companies for use of City water tank facilities was approved on July 15, 2002; and total annual revenue for all leases is:

- \$ 39,000.00/year for remainder of 2002**
- \$127,200.00/year from January 1, 2003 through December 31, 2003.**
- \$148,800.00/year from January 1, 2004 through December 31, 2004.**
- \$160,800.00/year from January 1, 2005 through July 31, 2007.**

It was further advised that Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless, with its principal office at 180 Washington Valley Road, Bedminster, New Jersey 07921, has requested to lease a portion of the Washington Heights Water Tank and ground site, which is located in the 4100 block of Wyoming Avenue, Official Tax No. 2770406; to install directional antennas, connecting cables and appurtenances; to lease the property, a new lease agreement is required, as well as a public hearing; terms and conditions of the lease are in accordance with the City of Roanoke Policy as to Wireless Telecommunication Facilities located on City Property dated January 21, 1997, and substantially similar to existing lease agreements with other entities using the City's water tanks; term of the lease will be four years and 11 months, commencing on September 1, 2002 and expiring on July 31, 2007; the lease may be renewed for up to two five year terms, upon mutual agreement by the parties; the lease requires that the lessee post security to guarantee removal of the electronic facilities at the end of the lease – either in cash or a bond in the amount of \$7,500.00 will be required; and rent for such lease is per month, per provider, for leased space on one water tank and:

\$1,000.00/month from September 1, 2002 through December 31, 2002.
\$1,325.00/month from January 1, 2003 through December 31, 2003.
\$1,550.00/month from January 1, 2004 through December 31, 2004.
\$1,675.00/month from January 1, 2005 through July 31, 2007.

The City Manager recommended that Council approve a new lease agreement between the City of Roanoke and Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless, and authorize the City Manager to execute such agreement, in a form approved by the City Attorney; and further, authorize the City Manager to take such additional actions and execute such additional documents as may be necessary to implement and administer the lease agreement.

Mr. Dowe offered the following ordinance:

(#36048-081902) AN ORDINANCE authorizing the proper City officials to enter into a Lease Agreement between the City and Cellco Partnership, a Delaware general partnership, d/b/a Verizon Wireless, for use of a portion of a City owned water tank and the site on which it sits, which is located in the 4100 block of Wyoming Avenue, Tax Map No. 2770406, known as the Washington Heights Water Tank, and which will provide that Cellco Partnership will use such area for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further action and execute such additional documents as may be necessary to implement and administer such Lease Agreement; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 65, page 368.)

Mr. Dowe moved the adoption of Ordinance No. 36048-081902. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing; whereupon, Mr. Greg Tully, 2715 10th Street, N. W., spoke in support of the lease proposal. No other persons wishing to be heard, the Mayor declared the public hearing closed.

There being no further discussion; Ordinance No. 36048-081902 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

EASEMENTS-WATER RESOURCES: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to vacate an existing water line easement located on privately owned property, in exchange for a relocated easement to be dedicated to the City of Roanoke; and thereafter, the City of Roanoke proposes to quitclaim a portion of the new easement to the Virginia Department of Transportation, in connection with development of Kingston Estates, a new subdivision located in Roanoke County, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 11, 2002.

The Mayor advised that the City Manager has requested that the public hearing be continued indefinitely; whereupon, without objection by Council, it was so ordered.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-COMPLAINTS-CITY EMPLOYEES-HOSPITALS-YOUTH: Mr. Robert D. Gravely, 617 Hanover Avenue, N. W., advised that Carilion Health system has a monopoly in the City of Roanoke. He addressed the matters of low wages for City employees, fair and equal treatment of City employees on a daily basis and in promotions, the City of Roanoke does not have a large enough work force to maintain the City's cleanliness, young people are moving out of the City because of the way they are treated, and more police officers are needed to address crime.

There being no further business, the Mayor declared the meeting adjourned at 8:55 p.m.

A P P R O V E D

ATTEST:

**Mary F. Parker
City Clerk**

**Ralph K. Smith
Mayor**
